

# The Texas VHF-FM Society



**Paul Gilbert, Board of Director Member, Zone 2, 440 mhz & Up Frequency Coordinator**  
1911 Pleasant Street, Huntsville, Texas 77340 409-291-9532 vis\_pfg@unx1.shsu.edu

VIA Federal Express  
Magalie Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington D.C. 20554

June 9, 1998

RE: RM-9267

Dear Mr Salas and the Commissioners of the F.C.C.,

The Texas VHF-FM Society wishes to file the following reply comments on the above referenced petition for Rulemaking of the Land Mobile Communications Council. Enclosed are ten (10) copies of this letter and the original.

If you have any questions or other need to communicate with the Texas VHF-FM Society, we can be reached at the above address and phone number.

Thank You,

*Paul Gilbert, KESZW*  
Paul Gilbert

Board of Director Member, Zone 2, 440mhz and Up Frequency Coordinator.

No. of Copies rec'd  
List A B C D E

0810  
081

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

**In the matter of**

**An Allocation of spectrum for the  
Private Mobile Radio Service**

)  
)  
)  
)

**RM-9267**

**TO: The Commission**

Reply Comments on the June 1st Comments on the  
Petition for Rule Making Submitted by the  
Land Mobile Communications Council

The Texas VHF-FM Society is the Amateur Radio Service, repeater coordination body for the State of Texas. The Society is tasked with coordinating amateur radio repeater, auxiliary, linking and ATV activity on amateur service frequencies 29.500 mhz and up.

This includes the 420 mhz to 450 mhz frequency range that the LMCC has petitioned the FCC to allow access by Private Mobile Radio Service (non-amateur-radio) interests through re-allocation of its use from Government to PMRS.

We urge the commission to deny this petition. The level of the activity of Amateur Radio Service users in the 420 mhz to 450 mhz range is such that the Texas VHF-FM Society requests that the FCC not grant or consider the re-allocation of the 420 mhz to 450 mhz frequency range as requested in the LMCC RM-9267 proposal. It is also opposed to the co-sharing of these frequencies with the PMRS due to the incompatibility of types of operations by each respective service. Reasons and replies on comments against re-allocation are detailed below.

Despite proponent comments filed by organizations in favor of the re-allocation of 420 mhz to 450 mhz such as the American Petroleum Institute (API), the Personal Communications Industry Association (PCIA), and the American Association of State Highway and Transportation Officials (AASHTO) in the initial June 1st, 1998 comment period, there are several alternatives and reasons not to grant this portion of the LMCC RM-9267 proposal.

The recently approved re-farming measures have been in effect only since Oct. 17, 1997. Despite the feelings of the API comments that there will be only limited relief with the refarming activity. There has not been enough time for any impact to be made. The refarming will open up many new frequencies for users and will make much more efficient use of the spectrum that is already allocated to LMCC users.

The report that the NTIA released, from which the LMCC cited the use of 420 to 450 mhz, has been misquoted. There was no reference to the 420 to 450 band in that report. Yet the LMCC and several commenters say there was. This inaccuracy is in itself sufficient cause to justify denying the petition.

In addition to the refarming program, in Texas at least, there are MANY frequencies that have been licensed, yet are not in use or only very limited use, by members of the LMCC. A very close check of this aspect should be taken as a possible way of re-claiming frequencies for assignment to users that will use them. One such user of these frequencies that are possibly sitting idle are members of AASHTO and the Forest Industries Telecommunications members. There are many VHF and UHF frequencies allocated to members that have limited to no use in Texas and other states. Perhaps these could be re-assigned or otherwise re-claimed.

Virtually all of the commenters for the RM-9267 re-allocation of 420 mhz to 450 mhz to PMRS are commercial interests in that their needs are driven only by the lure of the dollar. This is outlined in the tone of the comments from all of the proponent comments viewed by the Society.

Amateur Radio holds its duty much higher than a monetary basis. Through many years of service to community, country, research and advancement of radio technology can the Amateur Radio Service say that it has guarded and used the radio spectrum it has been given in an efficient manner. This is outlined by the comments of APCO, where in part, they support the ARS by requesting that the portion of the petition affecting the Amateur sub-bands be set aside.

If this spectrum is taken away from the ARS, we will be hindered dramatically in performing in accord with the ARS mission statement outlined in Part 97 of the FCC regulations governing the Amateur Radio Service.

Loss of this key amateur spectrum would impact the operation of many public safety agencies that often rely on amateur radio for emergency, tactical and backup communications in times of emergency.

Examples of these within our region are, but not limited to: if it had not been for amateur radio when Jerrell, Texas was struck by a killer tornado, there would have been little to no communications for emergency agencies to use. Amateur radio was the only reliable radio communications for almost three days in Jerrell due to outage and overloading of the public safety 800 mhz, 150 mhz radio systems and telephone systems.

Because of the flexibility of the ARS rules and ingenuity of the ARS operators, the radio systems in this service are able to be flexible and available at times when others are not.

Amateur radio is used by many agencies and groups such as the American Red Cross and Skywarn weather observation reporting network.

It has been a long standing tradition that the ARS be available for helping with communications in times of need. This is a helping hand that should be utilized in times of need such as the blizzard in Colorado, the gas explosion in New Jersey and the ice storms in Mississippi that were cited as times of concern for the members of API. It is most probable that these ARS emergency services would have been significantly compromised if the proposed loss of 420-430 mhz and 440-450 mhz sub-bands had been in effect at the times of these particular emergencies. It is probable that the amateur service would not have been as easily able to assist the public safety entities directly impacted by these emergencies.

Some of these emergency communications take place in the frequency ranges of 420 mhz to 450 mhz. If these frequencies were lost or they were forced to share with someone interested in only

making a buck, the spirit of service and helping would be severely impacted to a point that the ARS would not be able to fulfill its duty.

Currently, in the State of Texas, there are 686 coordinated amateur radio repeaters (mobile relay/control stations) in the 430 to 450 mhz range. There are 218 auxiliary, link and ATV operations in the 420 to 430 mhz range. There are countless unknown, non-coordinated or simplex, point to point operations in the 420 to 450 mhz range.

This makes the spectrum of the 420 to 450 mhz range very active and populated with coordinated and non-coordinated amateur radio activity that would not be able to move or share with the users of the PMRS as some proponent commenters have suggested.

For instance, in the Dallas-Forth Worth area of Texas, amateur radio repeaters are coordinated and on the air every 25 khz from 441.500 mhz to 444.975 mhz. In the 420 to 430 mhz range, there are auxiliary, link operations that criss-cross the DFW area with point to point antennas linking the repeaters in the 440 to 450 mhz range. Additionally, there are three hi-power amateur television operations that occupy 6 mhz of bandwidth at 421.250 and 426.250 mhz.

Despite comments implying open spectrum in the 420 mhz to 450 mhz range there are no currently open or un-coordinated amateur radio repeater frequency pairs in many areas such as the Dallas-Fort Worth, Texas MSA market. This is very common for most of the large MSA markets in Texas. This level of activity would preclude any sharing possibilities within this band for private or commercial users.

With this high level of activity comes the job of coordination. The Texas VHF-FM Society has been coordinating repeaters, auxiliaries and ATV in Texas since the late 1960's. If the LMCC proposal was approved, who would do the choosing of how a frequency would be used?

The recognized amateur radio coordinator or some commercial coordinator that is seeking a means to make money? By what yard stick would the decisions of use would be allowed, what frequency would be assigned and who would have to move? In comments viewed by the Society, this aspect of the re-allocation was not addressed.

This is a very politically hot topic as it would impact thousands of amateur radio operators, millions of dollars of equipment and years of work that has gone into the design and up keep of these radio systems.

In the recent relocation of 2 ghz users by the PCS industry, the licensees asked to move are being compensated. This has set a precedent and the amateur radio operators should also be compensated for the replacement cost of their of moving and equipment. This is in addition to allocating spectrum that will accommodate the relocated amateur radio operations that is compatible with currently available equipment for the amateur radio service.

The proponent commenters such as PCIA state that new spectrum is needed for member operations. They state the costs have dropped to the public as consumers of wireless services and the need of new spectrum has soared. But if this re-allocation of the 420 mhz to 450 mhz frequency range is allowed as proposed in RM-9267, the economic loss to ARS members in existing equipment is enormous. This is equipment and people that perform an honorable service with little or nothing asked in return.

No where in the proponent comments read by the Society was compensation for displacement addressed by the LMCC or its members. This is an issue that will be a very hot subject.

As an average, the normal site investment is such that replacement of the equipment with like equipment of similar performance on another frequency band would cost commercially approximately \$25,000 per mobile relay system, approximately \$15,000 per end of the link (point to point system). There is one 440 mhz linked repeater system that has over 50 sites each of which has a minimum of two links to other stations in their system.

With 686 relay stations in Texas alone and 218 links (two ends), the minimum possible replacement cost is at least \$24 million dollars, with adjustment for lost performance or other necessary corrections.

Add to this the tens of thousands of user radios that would be rendered useless. The costs skyrockets into the hundreds of millions of dollars.

In closing, the Texas VHF-FM Society has tried to present an open minded and wide ranging look at comments and reasons why not to allow the re-allocation of the 420 to 450 mhz frequency range as outlined in the LMCC proposal.

It is hoped that, in combination with the over whelming comments and replies against the re-allocation of the 420 to 450 mhz range by other public safety, commercial, amateur and concerned citizens the FCC will deny the LMCC RM-9267 proposal.

We urge the commission to deny this badly flawed petition.

Respectfully Submitted,

A handwritten signature in black ink that reads "Paul Gilbert, KE5ZW". The signature is written in a cursive, flowing style.

Paul Gilbert, KE5ZW  
Texas VHF-FM Society  
Board of Directors Member  
Zone 2, 440 & Up Frequency Coordinator  
Database Manager

## CERTIFICATE OF SERVICE

I, Paul Gilbert, do hereby certify that I have caused to be sent, this 12th day of June, 1998, by First Class mail, postage pre-paid, copies of the foregoing to the following:

Land Mobile Communications council  
Larry Miller, President  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201-5720



American Association of State Highway and Transportation Officials  
David Winstead, President  
444 N Capital St., N.W., Suite 249  
Washington, D.C. 20001

Personal Communications Industry Association  
Mark Golden, VP  
500 Montgomery Ave.  
Suite 700  
Alexandria, VA 22314

APCO International  
Robert Gurss  
1666 K Street, N.W. #1100  
Washington, D.C. 20006

American Petroleum Institute  
Wayne Black  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Forest Industries Telecommunications  
George Petrutsas  
1300 North 17th Street  
11th Floor  
Rosslyn, VA 22209

American Radio Reley League, Inc.  
Chris Imlay  
Booth, Freret, Imlay & Tepper, P.C.  
5101 Wisconsin Ave., N.W.  
Suite 307  
Washington, D.C. 20016-4120